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8 **UNITED STATES DISTRICT COURT FOR THE**
9 **WESTERN DISTRICT OF WASHINGTON**
10 **AT SEATTLE**

11 NEW YORK LIFE INSURANCE
12 COMPANY,

13 Plaintiff,

14 v.

15 BRANDON GUNWALL; JEFFREY E.
16 SWENSON; and AMELIA BESOLA,
17 as Administratrix of the Estate of
Mark Lester Besola.

18 Defendants,
19

Civil Action No. 2: 19-cv-00226

ANSWER OF AMELIA BESOLA, as
Administratrix of the Estate of
Mark Lester Besola, to
COMPLAINT IN INTERPLEADER

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21 **I. ADMISSIONS AND DENIALS**

- 22 1. Amelia Besola, as Administratrix of the Estate of Mark Lester Besola, hereinafter
23 “Ms. Besola,” lacks sufficient knowledge or information to determine the truth of
24 the allegations in paragraph 1 of the Complaint In Interpleader, hereinafter the
25 “Complaint.”
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27 2. Ms. Besola lacks sufficient knowledge or information to determine the truth of the
28 allegations of paragraph 2 in the Complaint.
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- 1 3. Ms. Besola lacks sufficient knowledge or information to determine the truth of the
- 2 allegations of paragraph 3 in the Complaint.
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- 4 4. Ms. Besola admits the allegations of paragraph 4 in the Complaint.
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- 6 5. Ms. Besola admits the allegations in paragraph 5 of the Complaint.
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- 8 6. Ms. Besola admits the allegations in paragraph 6 of the Complaint.
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- 10 7. Ms. Besola admits the allegations in paragraph 7 of the Complaint.
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- 12 8. Ms. Besola admits the allegations in paragraph 8 of the Complaint.
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- 14 9. Ms. Besola admits the allegations in paragraph 9 of the Complaint.
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- 16 10. Ms. Besola admits the allegations in paragraph 10 of the Complaint.
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- 18 11. Ms. Besola admits the allegations in paragraph 11 of the Complaint.
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- 20 12. Ms. Besola admits the allegations in paragraph 12 of the Complaint.
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- 22 13. Ms. Besola admits the allegations in paragraph 13 of the Complaint.
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- 24 14. Ms. Besola admits the allegations in paragraph 14 of the Complaint.
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- 26 15. Ms. Besola admits the allegations in paragraph 15 of the Complaint.
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- 28 16. Ms. Besola lacks sufficient knowledge or information to determine the truth of the
- 29 allegations in paragraph 16 of the Complaint.
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- 31 17. Ms. Besola admits the allegations in paragraph 17 of the Complaint. Further, Ms.
- 32 Besola alleges that Jeffrey Swenson is also disqualified as a beneficiary to the
- 33 Policy, by virtue of meeting the definition of “abuser” or “slayer” of the Insured
- 34 under R.C.W. 11.84.010.
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- 36 18. Ms. Besola admits the allegations in paragraph 18 of the Complaint.
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- 38 19. Ms. Besola admits the allegations in paragraph 19 of the Complaint.
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1 20. Ms. Besola is unclear regarding the allegations in paragraph 20 as to the extent
2 of the claims for the Death Benefits. Ms. Besola answers that the existing claims
3 for the Death Benefits that she is aware of, are for Mr. Gunwall, Mr. Swenson,
4 and the Estate of Mark Besola. Ms. Besola is unaware of the existence of any
5 other claims for the Death Benefits.
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7 21. Ms. Besola lacks sufficient knowledge or information to determine the truth of the
8 allegations in paragraph 21 of the Complaint.
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10 22. Ms. Besola admits the allegations in paragraph 22 of the Complaint.

11 23. Ms. Besola admits the allegations in paragraph 23 of the Complaint.

12 24. Ms. Besola admits the allegations in paragraph 24 of the Complaint.

13 25. Ms. Besola admits the allegations in paragraph 25 of the Complaint.
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17 WHEREFORE, Ms. Besola asks the Court:

18 A. That the Court find that Brandon Gunwall and Jeffrey Swenson are
19 disqualified as beneficiaries to the Policy, by virtue of meeting the
20 definition of “abuser” or “slayer” of the Insured under R.C.W. 11.84.010.
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22 B. That the Court settle and adjust the claims and determine to whom the
23 Death Benefits should be paid;

24 C. That the Court permit New York Life to deposit the amount of the Death
25 Benefits, plus applicable claim interest, if any, into the Court or as this
26 Court otherwise directs to be subject to the order of this Court and to be
27 paid out as this Court shall direct;
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1 D. That the Court award Costs, Expenses, and Attorney's fees in responding to
2 this action; and

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4 E. That the Court award such other relief that it deems just and equitable.

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6 DATED THIS 3rd DAY OF June, 2019.

7 /s/ Desmond Kolke

8 Desmond Kolke, WSBA # 23563
9 Attorney for Ms. Amelia Besola
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